

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Jacob L.L. Smith,)	CV 22-00134 JMS-KJM
)	
Plaintiff(s),)	
)	Deficiency Order
vs.)	
)	
Estela Derr, et al.,)	FILED IN THE
)	UNITED STATES DISTRICT COURT
)	DISTRICT OF HAWAII
Defendant(s).)	March 30, 2022
_____)	At 4 o'clock and 00 min p.m.
)	PAM HARTMAN BEYER, CLERK

DEFICIENCY ORDER

Plaintiff, proceeding pro se, has filed a Complaint in this court that was not accompanied by either a filing fee or an application to proceed *in forma pauperis*. Parties instituting a civil action, suit or proceeding in a United States District Court, other than a writ of habeas corpus, must pay a filing fee of \$350.00 and an administrative fee of \$52.00. See 28 U.S.C. § 1914(a) and District Court Miscellaneous Fee Schedule, ¶ 14 (effective December 1, 2020). This administrative fee does not apply to applications for writ of habeas corpus or to persons who are granted *in forma pauperis* status under 28 U.S.C. § 1915. An action may only proceed without concurrent payment of the filing fee if the party is granted leave to proceed *in forma pauperis* ("IFP"). 28 U.S.C. § 1915(a); *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999).

Plaintiff is advised that he or she must either pay the statutory filing fee of \$350.00 and the administrative fee of

\$52.00, or submit a fully-completed *in forma pauperis* application within twenty eight days (including weekends and holidays) of this Order. Failure to do so will result in **AUTOMATIC DISMISSAL**, of this action for failure to prosecute or otherwise follow a court order. See Fed. R. Civ. P. 41(b); *Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir. 1995) (stating that the district court may dismiss a complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890 (9th Cir. 1992) (affirming dismissal of appeal of pro se litigant for failure to pay required filing fees).

IT IS HEREBY ORDERED that:

1. The Clerk of Court is **DIRECTED** to send Plaintiff an appropriate copy of the Court's Application to Proceed *in forma pauperis* with the accompanying information sheet.
2. Plaintiff is GRANTED twenty eight days to either pay the \$402.00 filing fee or submit a completed and executed application to proceed *in forma pauperis* on the forms provided by the court with this Order. The application must bear the docket number assigned to this case. Failure to timely file an *in forma pauperis*

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application or the statutory filing fee within twenty eight days of the date of this Order will result in **AUTOMATIC DISMISSAL** of this action.

IT IS SO ORDERED.

DATED: March 30, 2022 at Honolulu, Hawaii,



/s/ J. Michael Seabright
J. MICHAEL SEABRIGHT
CHIEF UNITED STATES DISTRICT JUDGE